

Introduction

In accordance with the provisions of SB720 passed in 1998, the Children of Incarcerated Parents Task Force was established during the March 22, 1999, meeting of the Children's Services Commission. Current members of this special Task Force include:

Co-Chairs

Senator Betty Sims, District 24
Representative Vicky Riback Wilson, District 25

Members as of October 2002

Judge Susan Block, Family Court of St. Louis County
Fannie Gaw, Department of Corrections, Probation and Parole Board
Charles Jackson, Director, Department of Public Safety
Gary Kempker, Director, Department of Corrections
Kathy Martin, Director, Department of Social Services
Linda Roebuck, Deputy Director, Department of Mental Health
Julie Rollins, Women's Program Manager, Department of Corrections
Mark Steward, Director, Division of Youth Services
Betty Thompson, Representative, District 72

Other Participants

Barbara Baker, Center for Women in Transition
Sister Fran Buschell, Diocese of Jefferson City
Dr. Anne Dannerbeck, School of Social Work, University of Missouri
Marie Kenyon, School of Law, St. Louis University
Pam Palacios, Mothers and Children Together
Sandy Rempe, Department of Public Safety

Purpose

In accordance with SB720 passed by the General Assembly of the State of Missouri, and RSMo 210.875, 210.877, and 210.879 (*Appendix A*), the Children of Incarcerated Parents Task Force was established to improve the lives of children affected by the incarceration of a custodial parent.

Goal

The goal of this Task Force is to review and study the effects of incarceration on the children of individuals in the custody of the Missouri Department of Corrections or the Division of Youth Services and recommend to the legislature and executive branch, appropriate changes in laws

and policies that are in the best interest* of the children of Missouri. This report is intended to serve as a guide for continuing attention, action, and policy change on behalf of the children of incarcerated parents.

Values and Objectives

The Task Force recommends that the following values guide future statutory and policy change.

1. Incarceration should be used only to the extent that it is effective, as evidenced by sound research.
2. Alternatives to incarceration should be preferred public policy for nonviolent offenders.
3. Offenders should be able to spend time with their children, when contact is in the best interest of the child.
4. Intensive wrap-around and community-based services are essential to assist the children of incarcerated parents and their caregivers during the time of parental incarceration. These services are also needed to assist offenders make a successful transition back into their community and family upon release from detention.

History

The Task Force has met regularly for the past four years (*Appendix B—minutes*). On December 1, 1999, the Children's Services Commission submitted an initial report on the Task Force's findings relative to custody and visitation patterns to the General Assembly of the State of Missouri (*Appendix C*).

Since the initial report, areas of study, in addition to the focus required in the legislation, have been identified. These include the (1) analysis of the current population of incarcerated parents, (2) the pre-incarceration process for offenders with children, (3) sentencing practices of the state of Missouri, (4) the support systems that are in place for incarcerated parents and their children, (5) the impacts on children of having an incarcerated custodial parent, and (6) recommendations for statutory and policy changes that emphasize the best interests of the children of Missouri.

The Task Force recognizes the importance of both incarcerated mothers and fathers. Due to budget and time constraints, however the Task Force's initial focus has been with female offenders. This population was identified for the following reasons:

1. Fewer women than men are incarcerated, and they are consolidated into fewer facilities.
2. Mother's are more likely than fathers to be the primary caregiver of children at the time of arrest.
3. Issues surrounding paternity make identifying incarcerated fathers problematic.

* The Commission realizes that the phrase 'best interest of the child' is used differently in various Missouri statutes. It is the intention of the Children's Services Commission to work with the Child Abuse, Custody and Neglect Commission, which is currently working to clarify the legal meaning of the phrase, as we continue our work for children.

Nevertheless, the Task Force continues to look at programs and policies that affect fathers. It is the intention of the Task Force to continue to explore recommendations regarding fathers and mothers.

In 1998, Missouri's Children's Services Commission was one of the first states to initiate study and action regarding children of incarcerated parents. Since that time, several other states and interest groups have begun to investigate this topic. The state of California is home to the Center for Children of Incarcerated Parents (CCIP). The CCIP established the Prison Parents Education Project in 1990. Child developmental specialists and formerly incarcerated parents developed PPEP to educate incarcerated parents on the many issues their children face, and how the parents can best facilitate successful development in their children.

Accomplishments

The initial efforts of the Task Force resulted in the revision of the Missouri Department of Corrections' policies and practices regarding family-friendly visiting environments. The changes were prompted, in part, by a comprehensive, face-to-face survey of female offenders with children. The survey, conducted in the summer of 1999, asked each offender for suggestions on how to improve their relationship with their children, among other questions.

The Department of Corrections is presently involved in developing three re-entry initiatives that ensure a seamless transition into society after incarceration. The first of these initiatives, the Female Re-entry Program, allows for employment and wrap-around services to be established for women returning to St. Louis from Women's Eastern Diagnostic and Correctional Center prior to their release. Wrap-around services include childcare, transportation, mental health, substance abuse, medical, and housing. The second program is the Serious and Violent Re-entry Grant. This program targets women who have been convicted of serious and violent crimes. The services offered to this population are the same as the Female Re-entry Program. Finally, the Department of Corrections is receiving technical assistance from the National Institute of Corrections regarding Transition from prison to community. This initiative encourages re-entry planning to begin the day prisoners come into the correctional facility and to continue until the day of release.

A Women's Program Manager was hired by the Missouri Department of Corrections to coordinate efforts to provide services for incarcerated women and evaluate their success in transitioning back into their communities following release. A Women's Advisory Committee has been formed with representation from Mental Health, Health and Senior Services, Prosecutor Services, Office of the Court Administrator, and other community organizations to assist the Department of Corrections on issues relative to incarcerated women. A Women's Issues Committee has also been formed with Department of Corrections staff to address the needs of women offenders in the criminal justice system. These committees work to address issues regarding incarcerated women, women under supervision, training needs for those staff working with women and gender specific policy and procedures that recognize the differing needs of men and women prisoners.

The Department of Youth Services identified those youth in their custody who had incarcerated parents or those who have children of their own. (*Appendix D*)

In September of 2001, Mothers and Children Together of St. Louis received an 18-month planning grant from the National Institute of Corrections to develop a comprehensive plan for

providing services to the children of prisoners. The team is currently identifying gaps in services that children of prisoners and their caregivers face, and developing comprehensive community strategies to address these issues.

Task Force Progress

❖ Current Population of Incarcerated Parents

While Missouri is the seventeenth most populous state in the union, it is among the top ten for number of persons behind bars (U.S. Census, 2000). As of 2001, there were 2,077 female inmates in the state of Missouri, which leads the Midwest in women behind bars. Non-violent convictions account for 60.77% of the female incarcerated population. Nearly fifty percent of the women presently incarcerated have no history of criminal activity. In a recent survey conducted by the Missouri Department of Corrections, over seventy-eight percent of incarcerated women reported having at least one dependent—leaving over 4,000 Missouri children without mothers. (*Appendix E—Status Report on Women Offenders*).

It is not cost-effective to incarcerate nonviolent offenders. The average cost for a woman to be incarcerated is slightly over \$36 per day. The cost to the Department of Family Services for her children to be in foster care for fiscal year 2002 was between \$ 227.00 and \$307.00 per month, per child (depending on the age of the child). The cost for a person on probation or parole supervision is only \$3.34 per day. Even when considering the cost of intensive services, alternative sentencing costs the state significantly less than the cost of incarceration.

❖ Current Approaches for Sentencing of Custodial Parents

- *Traditional Sentencing*— Although Missouri has enacted legislation supporting the practice of restorative justice; most women continue to serve punitive sentences for non-violent criminal activity.
 - ✓ According to the Department of Corrections' 30-year overview of the women offender population, there was a 311% increase in the number of incarcerated females from 1978-1988. From 1988 to 2001, there was an additional 234% increase. (*Appendix E*)
 - ✓ As of October 2002, the state of Missouri has 1,521 female parolees and 10,182 male parolees; 11,866 female probationers, and 37,487 male probationers.
- *Alternatives to Incarceration*— Because the majority of incarcerated women are the primary custodian of at least one child under the age of 18, it is important to investigate alternatives to traditional sentencing in an effort to maintain families, when doing so is in the best interest of the child. Alternative sentencing and intensive wrap-around services also assist in breaking the generational cycle of incarceration. Alternative sentencing is presently used on a very limited basis.
 - ✓ *Drug Courts* are an effective alternative to incarceration. Offenders are typically offered a stay of prosecution if they agree to participate in a court-supervised treatment program. Upon successful completion of

the program, the participant may be discharged without a criminal record; however, failure to complete the program results in the filing of criminal charges. This program allows mothers who are charged with drug offenses to maintain the caregiver role while receiving treatment for their addictions. There are presently 58 drug courts in operation in the state of Missouri. Unfortunately drug courts are often underutilized because judges and prosecutors may only refer an offender to the program after the offender has pleaded guilty. Missouri drug courts have been remarkably effective, yet their successfulness continues to go unrecognized. (*Appendix F*)

- ✓ *Mental Health Courts* serve offenders with co-occurring disorders (mental disorder and substance abuse disorder), developmental disabilities, or head injury in the criminal justice system. The pilot program, in Springfield, Missouri, offers many of the same benefits that the Drug Court program offers, in addition to providing care for offenders with mental disorders. The goal of the MHC program is to reduce the number of offenders with co-occurring disorders committed to the Department of Corrections while still providing for public safety. Successful completion of the program may result in deferred prosecution for the offender. (*Appendix G—Mental Health Court*)
- ✓ *Restorative Justice* (commonly referred to as RJ) is another common form of alternative sentencing. RJ seeks to address a specific offense through direct restitution to the victim (financially or through services provided by the offender) or indirect restitution via community service. Although RJ includes a broad range of practices, the most common is victim-offender mediation. This practice has been shown to be an effective approach for dealing with crime, as well as reviving the community. This comprehensive approach seeks not only to repair the physical damage but also the personal and emotional damage through face-to-face communication. While RJ has become increasingly popular for juvenile offenders, it has not been largely employed for adult offenders.
- ✓ Various other states use innovative alternative sentencing programming. These programs merit further research to determine what the best practices are in regards to alternative sentencing that could be utilized in the state of Missouri.

While alternative sentencing has been legislatively endorsed, and in spite of the fact that evidence exists that alternatives can be both cost-effective and reduce recidivism rates, such programs are still under-funded and under-utilized by prosecuting attorneys and judges.

❖ **Pre-incarceration Process for Custodial Parents**

When a custodial parent is arrested, the State of Missouri has no specific policy or routine process to identify and coordinate what happens to the dependent children. Although the Department of Family Services uses Notice of Incarceration forms (*CS-2, CS-2-ATT—Appendix*

H), these forms do not provide information about what will happen to the children of the arrested parents, nor do they provide information about what will happen to that parent's custodial rights upon incarceration. Presiding judges may be unaware of the issues surrounding the Termination of Parental Rights (TPR). Incarcerated parents may also be unclear about TPR. This lack of information, and general distrust of government, often encourages parents to withhold information at the time of their arrest. They may be reluctant to provide information regarding the number of children they provide care for, the paternity of those children, and the present location of their children, because they fear what might happen to those children. This insufficient information leads to children receiving less than appropriate care while their custodial parent is incarcerated.

❖ Existing Support Systems for Children of Incarcerated Parents

There are a variety of existing private organizations that have developed support programs and services for incarcerated parents and their children. An inmate's participation in these programs is usually dependent upon his/her behavior (an inmate must be violation free for 90 days in order to participate in most programs). Therefore, the parent's poor behavior adversely affects their children. Participation in these programs is intended to strengthen parent-child bonds, not be used as means of punishment for inmates' poor behavior. In addition, children of incarcerated parents end up being harmed by not being allowed to visit with their parent.

➤ *Girl Scouts Behind Bars*

- The Girl Scout Council of Greater St. Louis has formed troops for girls whose mothers are in prison. This special troop arranges transportation for girls to see their mothers in prison. Mothers are allowed to help their daughters with girl scouting projects thus enhancing the bond between mother and daughter while the mother serves her sentence. Although a national project, in Missouri this program is presently only available in the Greater St. Louis area. GS behind bars is funded through grants and donations from private industry.

➤ *Living Interactive Family Education Program*

- The L.I.F.E. program was developed jointly between 4-H, University of Missouri-Columbia Outreach Center and incarcerated fathers to address the needs of children of incarcerated parents. Fathers participate in parenting classes as well as structured activities with their sons. The L.I.F.E. program seeks to enhance visitation programming at a maximum-security prison in Missouri.

➤ *Mothers and Children Together*

- M&CT is a collaborative program committed to promoting family unity, when the primary caregiver is incarcerated. This program arranges transportation for children to visit their mothers at the Women's Eastern Reception and Diagnostic Correctional Center four times a year. The program also provides group processes in the schools for children with family members in prison, and acts as an advocate for children in the criminal justice and social services systems.

In addition to privately funded programs, the Missouri Department of Corrections, in cooperation with other groups, also offers programs and services within the prisons to facilitate the bond between incarcerated parents and their children.

- *StoryLink*
 - Offers offenders the opportunity to read to their children via audiocassette.
- *Parents as Teachers*
 - In partnership with local school districts, PAT is a project that provides incarcerated parents with parenting classes.
- *Parents and Their Children*
 - PATCH is an organization that strives to maintain and strengthen the bonds between children and their incarcerated parents. The program arranges transportation for children to see their incarcerated parents, assisting in the maintenance of the parent/child bond while the offender is away.
- *Parenting Classes*
 - A series of videos, workshops, and discussions are offered at detention facilities to enhance the parenting skills of incarcerated mothers and fathers. Unfortunately these classes are not geared towards the developmental stages of the inmates' children and are therefore not necessarily beneficial for all inmates with children.

The Department of Corrections also offers programs that are available for all inmates to participate in, but may be particularly beneficial for parents. These programs can be particularly beneficial for parents in increasing their chances for success in their community and family after release.

- *Substance Abuse Programs*
 - Several drug rehabilitation programs currently exist for women in detention facilities. These programs are run by staff, who are trained for gender specific rehabilitation. Drug treatment programs offered through the MO DOC include:
 - 120-day Program
 - 84-day Program—for returning women as a result of parole violations.
 - Long Term Drug Program—one to two year program
 - 180-day Offenders Under Treatment Program (OUT)
 - Also Available are AA, NA, and the 12-step program that meet weekly under the guidance of staff or volunteers.
- *Vocational and Educational Training Programs*
 - Vocational Education is critical to reducing recidivism rates. There are a variety of trade programs offered by the MO DOC available for women who choose to participate.
- Additional Services are available through the Department of Justice (*See Appendix E*)

There are also post-release programs within communities to assist parents with the transition from incarceration back into their communities and families.

- Center for Women in Transition—CWIT began in 1993 in an effort to connect women with necessary resources to make their transition back into mainstream society easier. They provide one-on-one mentoring and a variety of other programs to help women restore faith in themselves and the hope that they can have a life beyond prison.
- C-STAR—The C-STAR Alternative Care Program was developed in accordance with the Missouri Revised Statutes, Chapter 191, as a pilot program to be one alternative to incarceration. It is designed for female offenders being released from correctional institutions, as well as those under probationary supervision. As a joint effort by the Missouri Department of Corrections and the Missouri Department of Mental Health, Division of Alcohol and Drug Abuse, this program offers outpatient substance abuse counseling, family therapy, and other support services to women and their children while facilitating reintegration with the family and community. Alt-Care Programs are located in Kansas City and St. Louis.

A variety of other community and religious organizations provide services to incarcerated parents and their children. However, without adequate coordination, it is impossible to list all such services. Although a variety of support systems are available, there are still many needs that are continually overlooked. This Task Force would like to see other ideas implemented to assist children of incarcerated parents, particularly those living in rural areas of Missouri, where resources are not readily available.

❖ **Impacts of Incarceration on the Children**

The incarceration of a custodial parent is extremely traumatic for a child. One in five children affected by the incarceration of a parent will witness that parent's arrest, and those who do not will reconstruct it with their vivid imaginations. After the arrest of a parent, a child's living arrangements are disrupted and often uncertain. A child of an incarcerated parent generally lives with another relative or in a state-funded placement, such as foster homes or residential care facilities, while that parent is serving time in prison. Often these conditions result in the child living in poverty. Contact with an incarcerated parent is limited at best. Most facilities do not have child-friendly environments for visits. Prison visits are costly and time consuming and are often not feasible, especially for families with limited resources, who are most affected by the arrest of a single custodial parent. Children often experience sadness, guilt and the feeling of aloneness while separated from their parent.

The stigma of incarceration has a significant impact on a child's life. Teasing and taunting by peers is embarrassing and exacerbates problems at school. At risk behavior increases with the incarceration of a parent, including, but not limited to, poor academic performance, truancy, dropping out of school, gang involvement, early pregnancy, drug abuse, and delinquency. Over 13 percent of children of incarcerated parents are themselves involved with the criminal justice system in the state of Missouri before the age of 18. The incarceration of a custodial parent is exceptionally costly, not only for our children, but also for our state.

❖ Continued Research

Research efforts by various groups continue to look at the impacts that the incarceration of a parent has on a child, and what the best practices are in regards to maintaining the best interest of the child.

- ✓ *Examining the Relationship between Parental Incarceration and Juvenile Delinquency.* Grant Proposal for Dr. Anne Dannerbeck, University of Missouri-Columbia, School of Social Work (*Appendix—I*)
- ✓ Project L.I.F.E. continues to research the impact of enhanced visitation programs on the children of incarcerated parents. (*Appendix—J*)
- ✓ Mothers and Children Together is presently working to develop a comprehensive plan for services to children of prisoners via their planning grant from the National Institute of Corrections. M&CT has also provided the Task Force a list of additional recommendations regarding children of incarcerated parents (*Appendix K — Collaborative Planning Process for Children of Incarcerated Parents*)
- ✓ The California State Library Research Bureau is currently conducting a Task Force on Children of Incarcerated Parents. Their final report will be available in April of 2003.
- ✓ The state of Indiana has instituted progressive visitation and alternative sentencing policies that enhance the bond between incarcerated parents and their children. Indiana's programs, such as Residential Community Corrections, Day Reporting, and the Families in Transition Program, could be used as models in Missouri.

Conclusions and Task Force Recommendations for Statutory, Rule and Policy Change

Missouri is fortunate to have many programs that strive to build or maintain parent-child relationships, yet there is little coordination of these resources and much remains to be done. Too often, the children's needs are ignored when sentencing non-violent offenders. The Task Forces encourages that a holistic approach be used in providing for the needs of the children of incarcerated parents. The Children of Incarcerated Parents Task Force believes that education and training on what constitutes the best interest of the child is one key factor for improving the lives of children affected by the incarceration of a custodial parent. Also important in improving the lives of these children is the consistent use of alternative sentencing for custodial parents; the promotion of family bonding while a parent is incarcerated, when the child's best interests are served by family preservation; and intensive wrap-around and community services are made available and accessible after the parents release.

Many groups are working on issues that impact the recommendations of this Task Force. It is the intention of the Children's Services Commission to work with the Families and Communities Trust, the Child Abuse, Custody and Neglect Commission, State Departments and other private and public entities to encourage and facilitate the implementation of these recommendations. While some of these recommendations may be beyond the scope of the original charge of the Task Force, they have all been found to have an impact on incarcerated parents' success in building and maintaining a strong family unit.

The following recommendations have been developed to insure that the best interest of the children of Missouri will become a factor in determining appropriate placement for nonviolent offenders with children.

The Children's Services Commission respectfully submits the following recommendations for future policy and practice initiatives and changes. Because the Children's Services Commission's primary interest is the welfare of Missouri's children, all recommendations are intended to be used only when they serve in the best interest of the child of an incarcerated parent.

RECOMMENDATIONS

Custody and Visitation During Parental Incarceration:

1. Facilitate visitation between children and parents, when contact is in the best interest of the child, by reviewing, revising and coordinating the policies of the Department of Corrections and the Division of Family Services in cooperation with those affected by the parental incarceration including, but not limited to, formerly incarcerated parents, family members, counselors, therapists and social workers.
 - a) Examine guidelines for offenders' participation in parenting and visitation programs to ensure that the parents' denial of participation due to behavior violations does not hinder the programs' benefits for the children. Programs should be specific to each parents need.
 - b) Visitation areas should be expanded, and existing outdoor facilities should be used to their fullest potential.
2. Provide transportation for children of incarcerated parents in an effort to maintain the parental bond, when contact is in the best interest of the child.
3. Use teleconferencing for custodial placement meetings so that incarcerated parents can participate in this decision making-process about the future of their children.

Sentencing Alternatives:

1. Develop guidelines and additional alternative sentencing options for nonviolent offenders that can be applied consistently and frequently, in an effort to allow parents to remain with their children, when doing so is in the best interest of the child.
 - a) This process should include the Children's Services Commission; the Child Abuse, Custody and Neglect Commission pursuant to RSMo 26.740; the Sentencing Advisory Commission pursuant to RSMo 558.019; the judicial branch; and the Department of Corrections; and other involved stakeholders.
 - b) Alternatives include, but are not limited to, house arrest, community service, restorative justice, treatment centers, drug courts and mental health courts.
 - c) Presiding judges should investigate alternative sentencing options, and report their findings that less restrictive options were not suitable, before issuing a sentence of incarceration.
 - d) Initial efforts should focus on nonviolent offenders who are custodial parents.
2. Review the funding options available from the Department of Public Safety, and the Office of the State Court Administrator for alternative sentencing, and other family focused approaches that concentrate on the children of incarcerated parents, in an attempt to break the familial cycle of incarceration.
3. Evaluate diversionary programs with financial incentives, for the use of alternative sentencing, for possible savings to the state through decreased cost of incarceration.

4. **Assure that alternative sentencing programs and pilot projects are family friendly. Such programs should support parental contact with children, when contact is in the best interest of the child, and provide for parental development in an effort to strengthen the family unit.**

Procedures, Policies, and Programs:

4. **Develop a standardized, easy to understand guide to inform involved parties about custody and guardianship issues of children of incarcerated parents. This guide should include a glossary of relevant terms and an explanation of the options for child custody during parental incarceration. The guide should be appropriate for use by incarcerated parents and family members, law enforcement officers, judges, social service agency personnel, public defenders, and other involved parties.**
5. **Review, revise, develop, and implement guidelines for parole and probation revocation. The Department of Corrections and the Probation and Parole Board should include all stakeholders in this process, including formerly incarcerated parents.**
6. **The Department of Public Safety, and the Division of Family Services should develop a standardized process to identify the children of arrested individuals, and make appropriate arrangements for the care of those children, prior to the time of parental sentencing.**
7. **Cross departmental training on what constitutes the best interest of the child should be provided for law enforcement officers, judges, Division of Family Services personnel, Department of Corrections personnel, Juvenile Officers, Department of Education, public defenders, Guardians ad litem, and all other involved parties, to ensure that children receive appropriate services.**
8. **Assure that all education and treatment programs are available, accessible, appropriate and effective for those who need them.**
9. **Explore models in other states pertaining to alternative sentencing and funding initiatives, such as designating a portion of each dollar spent by the Department of Corrections for programming that supports the children of incarcerated parents.**